

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**DERIC PORTER, #630121** §

**VS.** § **CIVIL ACTION NO. 5:05cv59**

**WARDEN RUPERT, ET AL.** §

**ORDER OF PARTIAL DISMISSAL**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation for the disposition of the lawsuit. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the Plaintiff's claims against Officers Mitchell, Roseberry and Smith are **DISMISSED** without prejudice.

**SIGNED this 9th day of January, 2006.**

  
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**DAVID FOLSOM**  
**UNITED STATES DISTRICT JUDGE**